IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4827 OF 2006

Bhalchandra Sadashiv Kawade .. Petitioner.
Vs.
Dinkar Shridhar Tamhankar .. Respondent.

Mr.P.J.Pawar for the petitioner.
Mr.G.S.Godbole a/w Mr.Shailendra Kanetkar for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 11TH OCTOBER, 2006

P.C.:

. Heard learned counsel for the petitioner and the respondent.

2. By this writ petition, the petitionr has impugned the order dated 17.6.2006 rejecting the civil revision application no.19 of 2006 filed by him. The revision application was preferred against the order dated 1st March, 2006 by which the respondent-plaintiff was allowed to file additional affidavit-in-chief by which he sought to prove the documents which had not been exhibited by the court when the earlier affidavit-in-chief under Order 18 Rule 4 of C.P.C. was filed. The trial Court allowed the respondent-plaintiff to file additional affidavit on payment of costs of Rs.250/-. The revisional

court, while rejecting the revision, has recorded the reasons in paragraph 6 and 7 of the order dated 17.6.2006 impugned in the present writ petition. I perused both the orders as also the additional affidavit. In my opinion, the trial Court has rightly exercised its discretion by allowing the respondent-plaintiff to file additional affidavit. The substantial justice has been done. The cross examination has yet not been completed and, therefore, no prejudice would be caused to the petitioner. In my opinion, the order does not suffer from any infirmity warranting interference by this court under Article 227 of the Constitution of India. The writ petition is, accordingly, dismissed.

(D.B.Bhosale, J.)